

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-20295-CR-BECERRA

UNITED STATES OF AMERICA

vs.

BRAYAN TOCHON-LOPEZ, et al.,

Defendants.

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**UNITED STATES' OMNIBUS RESPONSE IN OPPOSITION TO DEFENDANTS'  
MOTION FOR DOWNWARD VARIANCE AND SENTENCING MEMORANDUM**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and files its Omnibus Response to Defendants' Motion for a Downward Variance [DE 200, 201] and Sentencing Memorandum [DE 198, 199] and states as follows:

**I. A Downward Variance is not Warranted**

The defendants' assertion that they are deserving of a sentence below the applicable guideline range based on their life challenges and struggles is not a basis for a variance. The defendants willingly became involved in a very serious criminal activity for their own personal gain.

To consider any argument in support of either a variance or departure based on the fact that the defendants are poor and relatively uneducated individuals is nothing more than a ploy for sympathy. There are many thousands of poor and uneducated individuals who do not choose to run huge amounts of cocaine across the ocean. There are millions of people living in poverty in underdeveloped countries throughout the hemisphere who have little economic opportunity. To

impose a lenient sentence on someone who chose to commit an offense potentially causing so much damage to the American people because he is poor would be to say the Court has a diminished expectation of law-abiding behavior from the poor, so they might as well submit to temptation whenever it presents a good opportunity for enrichment.

Such a policy would be inconsistent with Title 18, United States Code, Section 3553(a)(2)(B), which requires the Court to determine a sentence that “affords adequate deterrence to criminal conduct.” In a situation where the temptation is so great, such as for a “poor and uneducated individual” to accept large amounts of money, the deterrent factor must be very high.

The toll taken by drugs on the American people requires no iteration here. Our prisons are filled with too many people whose abuse of drugs wrecked their lives and contributed to their participation in crime. In many cases, they are also poor and poorly educated. The defendant’s effort to alleviate his own poverty at, ultimately, the expense of so many drug abusers, is not excusable.

In the instant case the defendants were transporting hundreds of kilograms of cocaine. When approached by the United States Coast Guard (“USCG”), the defendants refused to stop their vessel and engaged in a high-speed chase. The defendants ignored warning shots and their vessel only came to a stop when USCG was forced to employ disabling fire. During the chase, the defendants were able to jettison bales of cocaine. Fortunately for the defendants, the United States Coast Guard was only able to recover two-hundred-and-twenty-eight (228) kilograms of cocaine. The defendants have been able to receive a huge benefit in that regard.

The United States respectfully submits that after considering all the factors outlined in §3553, a sentence at the high end of the advisory guideline range is sufficient, but not greater than necessary to adequately reflect the serious nature and circumstances of the offense, provide adequate deterrence, and protect the public from further criminal conduct by the defendant.

Respectfully submitted,

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UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was electronically filed on 11th day of December, 2025, with the Clerk of the Court using CM/ECF. I further certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Yvonne Rodriguez- Schack  
YVONNE RODRIGUEZ-SCHACK  
Assistant United States Attorney